

My name is Allison Warner and I am a Wetland Ecologist, currently employed by the Tulalip Tribes. I live on Camano Island and have been a resident since 2000. Here I raised my daughter who attended school in Stanwood and share a deep level of love and concern for the Stanwood-Camano area with other residents of my community.

My concerns with the Pacific Gateway Terminal are both local and regional and national. The foreseeable, irreversible and many un-mitigatable impacts to our regional economy, environment, and to irreplaceable resources are so wide-reaching and large in scope, it is impossible to conclude this project is in the public interest therefore the agencies must select a no-action alternative as the preferred alternative.

NATIONAL, AND STATE IMPACTS

This is a federal project and as such NEPA requires evaluation of all on and off-site impacts of the project. If the analysis includes all onsite and offsite impacts of this project, it must be concluded that the no-action alternative is the preferred alternative. Under NEPA, 33 CFR 320.4(a)(1), the decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. All factors which may be relevant to the proposal must be considered including the cumulative effects thereof: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. Subject to the applicable guidelines and criteria (of Sections 320.2, 320.3 and 320.4), a permit will be granted unless the district engineer determines that it would be contrary to the public interest.

While the purpose and need, to provide a coal export terminal, may provide some economic benefit to those employed there, it cannot be concluded this project is in the public interest, in fact, is not only directly opposed to our state and national interests, by sending coal to China so that we may further increase the CO₂ in the atmosphere and be subject in Washington State to the returning particulate-polluted air (see Cliff Mass, UW climatologist blog dated July 7, 2012

<http://cliffmass.blogspot.com/2012/07/asian-haze-is-not-gone.html>; see also June 2, 2012

<http://cliffmass.blogspot.com/2012/06/coal-trains-really-bad-idea.html>); it also directly conflicts with regional economic growth and numerous State and regional economic studies and initiatives. It cannot be concluded that the national, regional and statewide impacts are outside the scope of this EIS in that they are a direct and predictable result of the permitting of this facility.

In its public interest review, the EIS must perform a review of the conflicts this project presents to a multitude of statewide initiatives to improve regional economies, transportation, and climate change and sea level rise initiatives. The EIS must consider the conflicts of this project to Statewide initiatives to bolster and sustain Washington's agriculture economy, and Washington's unique fisheries, with a special

consideration of the location in Whatcom County and its proximity to the agriculturally important Skagit Valley, and as such must study the potential impacts on the local agricultural economy.

A large part of the state's economy depends on freight for its competitiveness and growth. Freight-dependent sectors, in general, include agriculture, mining, construction, manufacturing, wholesale, retail, transportation, and warehousing. In 2008 freight-dependent sectors accounted for 33 percent of the state's GDP, 71 percent of business income, and 39 percent of state's employment. The domination of the rail lines resulting from this project, with said rail lines documented in WA 2006 and 2010-2030 state rail studies as being at or near capacity within Stanwood and Marysville and Burlington, Mt Vernon areas, with a single commodity that is being "funneled" through Washington State, is a direct conflict to our regional economy's use of the rail lines. (See the preliminary traffic studies performed by Gibson Traffic Consultants, too large to download here, but available at <http://www.powerpastcoal.org/wp-content/uploads/2012/10/traffic-study-Marysville.pdf> , and <http://www.powerpastcoal.org/wp-content/uploads/2012/10/traffic-study-Mt-Vernon.pdf> , and <http://www.powerpastcoal.org/wp-content/uploads/2012/10/traffic-study-Stanwood.pdf> as well as numerous others provided at <http://www.powerpastcoal.org/library/>) This is a direct and foreseeable impact from permitting of this facility and is un-mitigatable in any way that doesn't involved spending billions of taxpayer money in upgrading and improving rail transportation. The economic cumulative effects to local state and federal government expenditures for the foreseeable needed infrastructure improvements need to be evaluated.

Due to the fact that this project cannot go forward without the expansion of Custer spur and the many, many other significant rail improvements that would be required all along the Puget Sound to the Columbia River and even in Spokane, the interrelatedness of those projects must be considered in this EIS. The agencies cannot arbitrarily decide to separate these "indirect" impacts from the project, when they would be in fact a direct result of the project being approved. These cannot be considered "phases" of the development, but rather within the NEPA concept of "all interrelated aspects" of the proposed action.

Washington States' 270 million a year shellfish industries are already experiencing impacts from ocean acidification- resulting in State expenditures (on Nov 27, 2012, Governor Gregoire signed an executive order creating a 42 point program to address the dramatic situation <http://www.kitsapsun.com/news/2012/nov/27/governor-calls-for-action-to-fight-acidification/#axzz2lg4cqccm>- November 27, 2011, Kitsap Sun) . This is just one of the many statewide initiatives that are in direct conflict with a permit to allow 48 million tons per year of coal be burned into our atmosphere- there is no national boundary for this issue. While we cannot prevent China from burning coal, we can decide it is not in the public interest to allow this US coal to be transported by rail and shipped there to be burned. This is an indirect environmental and economic impact to our environment that must be considered by the EIS. Upon signing the executive order, Gregoire said Washington State produces nearly 85 percent of the oysters, clams and mussels produced along the U.S. West Coast, including Alaska. The industry employs more than 3,200 people, directly and indirectly.

According to Jane Lubchenco, administrator of the National Oceanic and Atmospheric Administration, who joined the Governor at Tuesday's presentation, along with U.S. Reps. Norm Dicks, D-Belfair, and Brian Baird, D-Vancouver, the panel has produced a "remarkable report" that could serve as a "beacon" for national action.

"Nowhere on the planet is a local response more urgently needed than here in Washington," Lubchenco said. "Ocean acidification is already affecting Puget Sound and Hood Canal." ***Please evaluate the effects of burning of coal shipped due to the permitting of this project and cumulatively of the other terminals if permitted on the WA state shellfish industry. Include in this analysis losses of public expenditures such as the \$3 million invested with this program to help shellfish hatcheries adapt to more acidic conditions and establishing a new center for ocean acidification at the University of Washington.***

In addition, see the section below on local effects to crabbing industry.

Climate change:

I agree with the comments by Carolyn Gastelum (6908) of Mt Vernon WA, regarding the requirement in SEPA for considering the effect of the action on future generations, and the public trust doctrine aspects of NEPA and SEPA. I agree particularly with the below comments excerpted from her comment letter, but reiterate all of the comments in her letter.

"From SEPA: "The agency perspective should be that each generation is, in effect, a trustee of the environment for succeeding generations. Particular attention should be given to the possibility of foreclosing future options by implementing the proposal." SEPA, WAC sec. 197-11-440(5)(c)(vii)

Therefore, through a cumulative analysis for the proposed GPT, determine the total amount of CO₂ emissions that would result from the mining, transport by rail, export by cargo ship, and burning of 48 million tons of Powder River Basin coal over the life of the project. How will all these emissions impact and accelerate climate changes in Washington state? In particular, what will be the impacts on the glaciers of the North Cascades, on ocean acidification that is detrimental to marine ecosystems and shellfish, on precipitation that contributes to river and stream flow in the summer months that is crucial to salmon and agriculture?" ***I would add that this is one of the key reasons that the EIS must do a cumulative impacts analysis of ALL of the proposed terminals.***

"What are the projections for extreme weather events in Washington that may increase due to the possible burning of coal that might be exported from Cherry Point and Longview? ***(And the other export terminals)***What would be the projected economic impacts due to climate change-induced extreme weather events like landslides in the winter due to greater than normal precipitation or drought in the summer due to a decrease in precipitation in our state?

"How much would the burning of the Powder River Basin coal in Asia that is proposed to be exported from both Cherry Point and the Longview Terminal offset the goals established by Washington State to reduce greenhouse gas emissions as adopted by our state legislature in 2008?

“Washington State adopted greenhouse gas reduction standards via legislation adopted in 2008. (RCW 70.235.070(1)(a). The statute establishes that by 2020, emissions shall be reduced to 1990 levels. By 2035, GHG emissions are to be 25 percent below 1990 levels and by 2050, they are to be 50 percent below 1990 levels.” (James Wells, Don’t Pee In The Pool!, January 5, 2013)” ***Allowing this terminal to be built is in direct conflict to this state goal, and will result in a loss of public expenditures to achieve those goals, and in enacting the above legislation. Finally I agree with her request of the agencies to*** “do a rigorous cumulative analysis of CO2 emissions from the GPT as well as the four other coal export terminals that are being proposed in Washington and Oregon. What would be the overall climate change effects due to burning approximately 150 million tons of coal over the life of the proposed export terminals?”***In addition the CO2 emissions from the additional diesel engines hauling the trains, and shipment through Straits of Juan de Fuca and Puget Sound.***

I agree with the comments from James Wells of Bellingham WA (submitted but not yet online) in comment on this same subject and similarly request that the agencies should consider Carbon Dioxide (CO2) and other pollutant emissions from the coal at its point of combustion in Asia. In addition I agree with all of his comments on what should be included in the public interest review (some excerpts below).

The plan is to export over 48 million metric tons of coal per year to China, where it will be burned, resulting in air pollution that will cause impacts in the United States (in addition to the effects on nearby populations in China). The pollution includes carbon dioxide (CO2), a greenhouse gas that also causes ocean acidification. The combustion also releases harmful pollutants such as mercury and other particulates, in addition to CO2, which do not adhere to national boundaries, and therefore we are affected ultimately by the returning particulates and CO2 generated by the indirect effect of this project- burning of US coal in China. This particular coal, if shipped to Asia to be burned, will create the pollutants. Therefore the full effects should be considered. Both NEPA and SEPA require the full effects of the project be considered.

“[A] lead agency shall not limit its consideration of a proposal's impacts only to those aspects within its jurisdiction, including local or state boundaries.” (Wash. Admin. Code sec. 197-11-060(4)(b))

Some key points from James’ comments, although I incorporate all of his comments by reference here. “A key consideration is the concept of the Public Interest. The agencies should broadly consider the public interest in this case, because the project needs to use government resources rather than just private assets. The effect of greenhouse gas emissions is relevant to public interest, because global warming and ocean acidification represent a very serious threat to our environment and the livability of our planet, and affect our local environment and economies directly and significantly.

In the case of GPT, there are at least three major government-controlled resources that are required for the project to go forward:

- The pier requires a shoreline lease from the WA State Department of Natural Resources - The coal is mined from federal government land in Montana and Wyoming
- Large water withdrawals from the Nooksack River are needed for dust control and other purposes

This request to use government resources is profoundly different from meeting regulatory requirements for an activity on private land. The applicants have no title to the government resources, and so for access to be granted, the proposed activity needs to be in the public interest. This is especially applicable to the waters of the state due to the Public Trust Doctrine, as explained on the WA Department of Ecology web site: "The essence of the [Public Trust] doctrine is that the waters of the state are a public resource owned by and available to all citizens equally for the purposes of navigation, conducting commerce, fishing, recreation and similar uses and that this trust is not invalidated by private ownership of the underlying land."

In another example, leases to mine coal from public lands have been granted on the basis that the coal will provide a stable domestic energy supply. The current practice of shipping coal from federal lands to British Columbia for export to Asia is in conflict with the justification for the coal leases, and a massive expansion of such export would also be. No export terminal should be permitted prior to conducting a complete review of the basis for the lease to mine the subject coal, and coal whose lease was justified on the theory of providing for domestic energy supplies should not be allowed to be exported.

The GPT project will also require exercise of a key government power, which is: Eminent Domain. This means seizing land from other private owners, whether or not they want to sell, in order to allow the project to occur. This is another point whether the question of the Public Interest is applicable.

The project is also inconsistent with certain federal or state laws or policies.

- EPA has Recognized CO2 as a Pollutant

The US EPA has declared carbon dioxide to be a pollutant, and has started to regulate CO2 emissions. The New Source Performance Standards (NSPS) state that any new coal-fired power plant in the US must meet a very tight standard for low CO2 emissions. If we build a new export terminal for the purpose of supplying coal to be burned in a manner that does not meet these new standards, then that undermines the entire purpose of the NSPS standards. The EPA has also commented on a different coal export proposal that resulting CO2 emissions should be considered.

- WA State GHG Reduction Standards

Washington State adopted greenhouse gas reduction standards via legislation adopted in 2008. See RCW 70.235.070(1)(a). The statute establishes that by 2020, emissions shall be reduced to 1990 levels. By 2035, GHG emissions are to be 25 percent below 1990 levels and by 2050, they are to be 50 percent below 1990 levels. The coal terminal, if permitted, would emit tens of millions of metric tons of CO2 per year, wiping all of those reductions, and more. Since CO2 is a global pollutant, it would be futile to reduce local emissions while facilitating an increase elsewhere. [For reference, all GHG emissions in all of WA state are about 100 million metric tons / year]

The SEPA standard itself recognizes the world-wide scope of environmental issues. SEPA considers "each person's" right to a "healthful environment" to be "fundamental and inalienable" Rev.Code Wash. Sec. 43.21C.020(3), "[r]ecognize[s] the worldwide and long-range character of environmental problems," and directs agencies, "where consistent with state policy, [to] lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of the world environment...." (RCW 43.21C.030(1)(f).)"

LOCAL IMPACTS

I agree with the comments of Dr Gary Green of Orcas Island (<http://www.eisgatewaypacificwa.gov/get-involved/comment/7362>) and request the EIS fully consider impacts to herring and sand lance spawning , as well as crabbing, by addressing:

“1) how fugitive coal particles will be incorporated into natural sediments, if at all; 2) how concentrated the particles will become and what the toxicity will be to benthic organisms, especially Pacific sand lance; and 3) how far the particles will be distributed from their point of entry into the water. Finally, he says, “All sub-tidal PSL habitats should therefore be located and mapped within close proximity to the coal-loading facilities and along the bulk carrier routes, where coal is likely to be introduced into the marine environment. Coal toxicity associated with dissolution or any other chemical processes that occur in marine and estuarine environments also need to be addressed. If potential impacts are found, how will they be mitigated?”

The current plan to protect herring as described in the 1999 settlement agreement, is to monitor for changes to herring habitat– does this include actual spawning area, egg production (productivity), changes in beach moisture, temperature and level of chemical, metals and coal dust on the beaches? Monitoring cannot be considered mitigation for impacts to herring, since once coal dust and metals have contaminated the site, it will be too late and the condition is irreversible. Because these impacts are foreseeable and may be irreversible once occurring, a monitoring plan simply cannot be adequate. Further, once spawning area, egg production or changes to the beach moisture due to impervious surfaces and drainage pattern changes have occurred with grading and clearing and filling of the site, these are also irreversible changes within any reasonable time span to correct the “monitored” problem. A true risk assessment needs to be undertaken for herring and crab habitats and evaluation of potential effects of changes to stream outlets, littoral drift patterns and flow patterns, as well as fugitive coal dust by looking at coal facilities in other locations and effects to their fisheries (Norfolk VA and Chesapeake Bay for example) , not just reviewing the applicants submitted information for their coal dust prevention methods. I agree with the comments of Dr Michael Riordan (<http://www.eisgatewaypacificwa.gov/get-involved/comment/7362> and <http://www.eisgatewaypacificwa.gov/get-involved/comment/5517>) regarding the local wind patterns and force at the site and the likely impacts to surrounding waters from coal export operations, and the studies he requests should be conducted. This impact is the most clearly foreseeable given the existing studies discussed by Dr Riordan in his comment and least mitigatable and irreversible effect due to the nature of fine dust particles. It is not like a substance that can be scooped up or cleaned as it can fill interstitial spaces of sand and small gravel grains and also leaches toxic metals including mercury and copper, as well as increasing the level of acidity into the environment. I ask that the effects from toxic metals, filling of interstitial spaces of the sand grains and acidity changes should coal dust accumulate in the waters surrounding the loading platform and Cherry Point vicinity be evaluated in advance of the project to determine the likelihood of irreversible impact. I also agree with comments by Mary Ruth Holder of Mt Vernon, WA (<http://www.eisgatewaypacificwa.gov/get-involved/comment/6108>), and

Richard Steinhart of the San Juan Islands (<http://www.eisgatewaypacificwa.gov/get-involved/comment/3850>).

Impacts to the Community of Stanwood- Camano.

As a member of the Stanwood Camano community, I daily travel the SR 532 corridor through Stanwood and utilize its businesses I addressed comments related to coal train traffic and Stanwood businesses and residents at the November 5, 2012 Mt Vernon hearing and submitted a written copy there. Gibson Traffic Consultants study (linked above) performed for Stanwood should be reviewed and the recommended needed further evaluations undertaken by this EIS, to address issues they raise . The effects of increased wait times and traffic delays to the numerous festivals that have been an essential component to Stanwood and Camano economic revitalization, and so depended on by local businesses needs to be considered, specifically the level of traffic generated by Snow Goose Festival, Tulip Festival, Northwest Glass Quest and Mother's Day Studio Tour. In addition the impacts of increased rail traffic and conflicts to the use of the BSNF by Amtrack, a key component of Stanwood planned revitalization, specifically with increased projected population in Snohomish County of additional 225,000 people by 2020.(<http://www.ofm.wa.gov/pop/gma/comparison.pdf>)

Level of Service (LOS) on arterial roads is an important element of transportation planning for local governments, and public expenditures are made to maintain or improve Level of Service. The impacts on Level of Service of this proposal without mitigation for at grade rail crossings needs to be evaluated. Potential costs to local governments for maintaining level of service in the face of doubling of rail traffic need to be included in the public interest review. It is extremely unlikely that Burlington Northern or the applicant will be able to mitigate fully for all of the at grade rail crossings, and as such public expenditures will likely be required as a result of this project, and need to be considered in the economic analysis of this projects impacts. In addition safety the crossing at Old Pioneer Highway north of downtown, where southbound traffic travelling at 50 miles per hour speed limit will experience sudden stops from vehicles turning right in the common travel route to Stanwood downtown and Camano from the Conway- La Conner area. This will create a dangerous

Vessel traffic: Impacts to local water dependent tourist industries and vessel traffic, including effects of a major spill and environmental impacts:

I agree with the comments of Bill McGowan, who operates a water taxi between Bellingham and the San Juans about the impacts of vessel traffic. (<http://www.eisgatewaypacificwa.gov/get-involved/comment/5001>). GPT at peak operation would have an average 1.5 Panamax and cape class bulkers calling daily, all passing through the Straits of Haro and Rosario. Those ships can carry 470,000 gallons of bunker fuel in addition to 100,000 metric tons of coal. Increasing to greater than one shipping vessel per day increases the risk of collision , and the other risks discussed by Bill McGowan associated with the vessel traffic in addition to potential for vessel collisions need to be examined cumulatively by extrapolating the 487 container ships per year calling on GPT. Further I would expand that the extreme environmental sensitivity of the Strait of Juan de Fuca area makes creating a major shipping route through this area entailing the largest shipping vessels in the world through these narrow passages is

another aspect of the public interest that is against this project.), I agree with the comments of Sanford Olson of Lopez Island (<http://www.eisgatewaypacificwa.gov/get-involved/comment/1567> and <http://www.eisgatewaypacificwa.gov/get-involved/comment/6044>) regarding vessel traffic and needed studies, and scope of impact evaluations.

MITIGATION

No expenditures that are a direct result of this project such as upgrades and alterations to at grade rail crossings should be borne by the public, in order to mitigate for impacts caused by increased rail traffic, including safety and level of service considerations. Any bond or mitigation dollars required of the applicant should fully account for impacts to communities like Stanwood, Camano and Marysville, who are under severe austerity and reduced budgets already from the current national economic crisis.

SSA Marine is the subsidiary of Carrix Inc. that runs terminal operations. Carrix is 51% owned by the Hemingway family (CEO Jon Hemingway: http://www.ssamarine.com/company/executive_bios/bio_Hemingway.html), 49% by Goldman Sachs. SSA created a subsidiary, Pacific International Terminals (PIT), which has NO ASSETS, to build and operate Gateway Pacific Terminal. If a significant “event” were to occur, PIT could be dissolved in bankruptcy faster than we could say, “Who’s liable?” Given this fact, SSA and Carrix need to be made to guarantee all obligations of PIT, including union contracts, incident response and cleanup, and site restoration when the coal market dries up and they leave town.

I agree with the comments made by Kate Bowers of Bow WA, at the Mt Vernon scoping hearing – that SSA/Carrix should be required to post a bond. She suggested 500 billion dollars, but I request the EIS measure the cost of a worst-case scenario, from a spill of 470 thousand gallons of bunker fuel in the San Juan Islands, to an explosion at the terminal or a derailment in a highly populated area like downtown Mt. Vernon. The bond should be set up so that it is replenished as funds are withdrawn; and make SSA/Carrix guarantee any and all damages associated with activities related to the terminal regardless of who is ultimately held by the courts to be liable – the coal owner (some subsidiary of Peabody Energy), the coal transporter (BNSF), or the terminal operator (PIT). SSA/Carrix will have the responsibility to undertake legal action to get their money back if they’re not liable but, in the meantime, the public shouldn’t have to wait decades to receive the final paltry settlement the Supreme Court approves, a la Alaska citizens and the Exxon Valdez oil spill.

I am strongly opposed to the coal export terminal on the grounds of our national state and regional public interest being significantly undermined by the wide-spread and far reaching impacts of permitting this facility